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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,091	04/20/2004	John C. Eidson	10040199-1	6015

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AGILENT TECHNOLOGIES INC.
INTELLECTUAL PROPERTY ADMINISTRATION,LEGAL DEPT.
MS BLDG. E P.O. BOX 7599
LOVELAND, CO 80537

EXAMINER	
JACOBS, LASHONDA T	

ART UNIT	PAPER NUMBER
2457	

NOTIFICATION DATE	DELIVERY MODE
05/26/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

IPOPS.LEGAL@agilent.com

Office Action Summary	Application No.	Applicant(s)	
	10/829,091	EIDSON ET AL.	
	Examiner	Art Unit	
	LASHONDA T. JACOBS	2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 February 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8,10-16,18-22 and 24-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8,10-16, 18-22 and 24-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This is a Final Office Action is responsive to Applicants' amendment filed on February 3, 2009. Claims 1, 10, 13-16 and 18-21 have been amended. Applicants' newly add claims 24-27. Claims 1-8, 10-16 and 18-22 are presented for further examination. Newly added claims 24-27 are also presented for examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims **1-8**, **10-16**, **18-22** and **24-27** are rejected under 35 U.S.C. 102(b) as being anticipated by McDonnell et al (hereinafter, "McDonnell", U.S. Pub. No. 2001/0028313).

As per claim **10**, McDonnell discloses a method for configuring a set of distributed devices comprising:

- providing to one or more of the distributed devices, via communication subsystems of the one or more distributed devices, a set of configuration data that configures the one or more distributed devices for performing measurement/control function (paragraphs 0057-0058 and 0062); and
- diffusing the provided configuration data among the distributed devices (paragraphs 0057-0058, 0062 and 0068).

As per claim **18**, McDonnell discloses a first device, comprising:

- a measurement/control subsystem (paragraphs 0057-0058);
- means for obtaining from a remotely-located configuration data source a set of configuration data that configures a second device, spaced apart from the first device, for performing a measurement/control function (paragraphs 0057-0058 and 0062); and
- means for diffusing the configuration data from the first device to the second device (paragraphs 0057-0058 and 0062).

As per claim **24**, McDonnell discloses a measurement/control system, comprising:

- a configuration data source that provides a set of configuration data that specifies a measurement/control function (paragraphs 0059 and 0062); and
- a set of distributed devices each having means for obtaining the configuration data from the configuration data source and means for diffusing the configuration data among the distributed devices (paragraphs 0057-0058 and 0062).

As per claim **1**, McDonnell discloses:

- wherein the means for diffusing includes means for determining a relative staleness of a set of configuration data stored in the distributed devices (paragraphs 0079 and 0081).

As per claim **2**, McDonnell discloses:

- wherein the configuration data source includes a source kiosk that obtains the configuration data from an application server (paragraphs 0057-0058).

As per claim **3**, McDonnell discloses:

- wherein the configuration data source is co-located with a service provider accessible by one or more of the distributed devices (paragraphs 0057-0058).

As per claim **4**, McDonnell discloses:

- wherein the means for diffusing includes means for forming a communication channel with a kiosk (paragraphs 0057-0058).

As per claim **5**, McDonnell discloses:

- wherein the means for forming a communication channel includes means for forming a communication channel in response to a physical proximity to the kiosk (paragraphs 0068-0071).

As per claim **6**, McDonnell discloses:

- wherein the means for diffusing includes means for forming a communication channel with another of the distributed devices (col. 3, lines 1-8, col. 4, lines 5-67 and col. 5, lines 1-27).

As per claim **7**, McDonnell discloses:

- wherein the means for forming a communication channel includes means for forming a communication channel in response to a physical proximity (paragraphs 0064-0066).

As per claim **8**, McDonnell discloses:

- wherein the means for diffusing includes means for determining a relative staleness of a set of configuration data stored in a kiosk and a set of configuration data stored in the distributed devices (paragraphs 0079 and 0081).

As per claim **11**, McDonnell discloses:

- wherein the step of providing includes the step of obtaining the configuration data from an application server (paragraph 0058) .

As per claim **12**, McDonnell discloses:

- wherein the step of providing includes the step of co-locating the configuration data with a service provider accessible by one or more of the distributed devices (paragraphs 0057-0058) .

As per claim **13**, McDonnell discloses:

- wherein the step of diffusing includes the step of forming a communication channel between a pair of the distributed devices and communicating the configuration data from one of the pair of distributed devices to the other of the pair of distributed devices (paragraphs 0068-0071) .

As per claim **14**, McDonnell discloses:

- wherein the step of forming a communication channel includes the step of forming a communication channel in response to a physical proximity of the pair of distributed devices to each other (paragraphs 0068-0071).

As per claim **15**, McDonnell discloses wherein the step of diffusing includes:

- forming a first communication channel between a first one of the distributed and a kiosk (paragraphs 0064-0066);
- communication the configuration data from the first distributed device and the kiosk via the first communication channel (paragraphs 0064-0066);
- forming a second communication channel between a second one of the distributed devices and the kiosk (paragraphs 0064-0066); and
- communicating the configuration data from the kiosk to the second distributed devices (paragraphs 0064-0066).

As per claim **16**, McDonnell discloses:

- wherein the step of forming the first communication channel includes the step of forming the first communication channel with the kiosk in response to a physical proximity to a physical proximity of the kiosk (paragraphs 0068-0071).

As per claim **19**, McDonnell discloses:

- wherein the means for diffusing includes means for forming a communication channel to the second distributed device (paragraphs 0064-0066).

As per claim **20**, McDonnell discloses:

- wherein the means for forming a communication channel includes means for forming a communication channel in response to a physical proximity between the first device and the one or more other distributed devices (paragraphs 0068-0071).

As per claim **21**, McDonnell discloses:

- wherein the means for diffusing includes means for forming a communication channel between the first device and a kiosk (paragraphs 0064-0066).

As per claim **25**, McDonnell discloses:

- wherein the step of diffusing includes the step of determining a relative staleness of different sets of configuration data (paragraphs 0079 and 0081).
- As per claim **26**, McDonnell discloses:
- wherein the means of diffusing includes means for determining a staleness of the configuration data (paragraphs 0079 and 0081).
- As per claim **27**, McDonnell discloses:
- where the first device is a portable wireless device, and wherein the second device is a portable wireless device (paragraph 0058).

Response to Arguments

3. Applicant's arguments with respect to claims **1-8**, **10-16**, **18-22** and **24-27** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LASHONDA T. JACOBS whose telephone number is (571)272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LaShonda T Jacobs/
Examiner, Art Unit 2457

ltj
May 18, 2009